

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN HENRY, JR.,

No. 2:20-cv-01064 GGH P

Petitioner,

ORDER

v.

UNKNOWN,

Respondent.

Petitioner, a state prisoner at Salinas Valley State Prison, has filed a letter requesting information on federal habeas corpus procedures as well as this district court's procedures. ECF No. 1. No other pleadings have been filed by the petitioner.

In order to commence a habeas action, petitioner must file a petition for writ of habeas corpus as required by Rule 3 of the Rules Governing Section 2254 cases, and petitioner must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). To the extent petitioner's letter is seeking some form of relief, the motion will be denied. The court will not issue any orders granting or denying relief until an action has been properly commenced. Petitioner will be afforded an opportunity to file his habeas petition, and to submit an application requesting leave to proceed in forma

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1 pauperis or to submit the appropriate filing fee. Petitioner's failure to comply with this order and  
2 its deadlines will result in a recommendation that this matter be dismissed.

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. To the extent petitioner is seeking some form of relief in his May 26, 2020 letter (ECF  
5 No. 1), this request for relief is denied;

6 2. Petitioner is granted thirty days from the date of service of this order to file a petition  
7 that complies with the requirements of the Rules Governing Section 2254 Cases, the Federal  
8 Rules of Civil Procedure, and the Local Rules of Practice; the petition must bear the docket  
9 number assigned this case; and petitioner must file an original and two copies of the petition;

10 3. Petitioner shall also submit, within thirty days from the date of this order, the  
11 application to proceed in forma pauperis on the form provided by the Clerk of Court, or the filing  
12 fee in the amount of \$5.00;

13 4. The Clerk of the Court is directed to send petitioner the court's form for filing a  
14 petition for writ of habeas corpus, and the application to proceed in forma pauperis by a prisoner;  
15 and

16 5. Petitioner's failure to comply with this order will result in a recommendation that this  
17 matter be dismissed.

18 Dated: June 16, 2020

19 /s/ Gregory G. Hollows  
20 UNITED STATES MAGISTRATE JUDGE  
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